

Assembly Joint Resolution

No. 45

Introduced by Assembly Member Skinner

April 10, 2014

Assembly Joint Resolution No. 45—Relative to sexual assault forensic exams.

LEGISLATIVE COUNSEL'S DIGEST

AJR 45, as introduced, Skinner. Sexual assault forensic exams: federal funding.

This measure would urge the Congress of the United States to approve President Obama's proposal to provide \$35 million to the states in order for the states to process evidence from sexual assault forensic exams.

Fiscal committee: no.

1 WHEREAS, Sexual violence continues to plague our nation
2 and destroy lives, and all members of society are vulnerable to this
3 crime regardless of race, age, gender, ability, or social standing,
4 but some groups are especially at risk; and
5 WHEREAS, Women and girls are the vast majority of victims,
6 and nearly one in five women, or about 22 million, have been raped
7 during their lifetimes; and
8 WHEREAS, Men and boys are also at risk, and one in 71 men,
9 or about 1.6 million, have been raped during their lifetimes; and
10 WHEREAS, Women of all races are targeted, but some are more
11 vulnerable than others. Thirty-three and one-half percent of
12 multiracial women and 27 percent of American Indian and Alaska
13 Native women have been raped, compared to 15 percent of

1 Hispanic women, 19 percent of non-Hispanic white women, and
2 22 percent of African American women; and

3 WHEREAS, Young people are especially at risk, with nearly
4 one-half of all female rape survivors being raped before 18 years
5 of age, and over one-quarter of male rape survivors being raped
6 before 10 years of age. College students are particularly vulnerable,
7 with one in five women being sexually assaulted while in college;
8 and

9 WHEREAS, Repeat victimization is common: over one-third
10 of women who were raped as minors are also raped as adults; and

11 WHEREAS, Survivors of sexual assault deserve competent and
12 compassionate care; and

13 WHEREAS, Effective collection of forensic evidence is of
14 paramount importance to successfully prosecuting sex offenders,
15 as is performing sexual assault forensic exams in a sensitive,
16 dignified, and victim-centered manner; and

17 WHEREAS, Sexual assault forensic examinations are intrusive,
18 lengthy, and complex medical examinations that take an average
19 of three to four hours; and

20 WHEREAS, A victim who agrees to a sexual assault forensic
21 exam reasonably expects evidence collected from that exam, also
22 referred to as a rape kit, to be analyzed. Untested evidence from
23 a sexual assault forensic exam means lost opportunities to develop
24 DNA profiles, search for matches, link cold cases, and bring justice
25 and resolution to the victim; and

26 WHEREAS, DNA can help identify unknown offenders, but
27 most sexual assaults are committed by persons known to the victim,
28 and, therefore, identity of the offender is not an issue in most sexual
29 assault cases. However, testing evidence from a sexual assault
30 forensic exam in those cases still has evidentiary value because a
31 DNA profile from the known suspect can yield matches with other
32 cases in which the suspect is unknown, resulting in “cold hits”
33 connecting the known suspect to other crimes; and

34 WHEREAS, Tens of thousands, and possibly over 100,000,
35 rape kits are likely sitting unprocessed in California crime labs
36 and law enforcement evidence lockers; and

37 WHEREAS, There is no statewide data, but local studies provide
38 insight into the scope of the problem. In 2008, Los Angeles County
39 had more than 12,000 untested rape kits in its custody, and in 2012,

1 Alameda County estimated their backlog of untested rape kits to
2 be almost 2,000; and

3 WHEREAS, Delays in testing evidence collected from a sexual
4 assault forensic exam can also preclude criminal charges from ever
5 being filed against alleged rapists who are identified long after
6 their crimes. Current state law provides a 10-years statute of
7 limitation for most rape cases, but has an exception allowing
8 criminal charges to be filed within one year of the date when a
9 suspect is conclusively identified in cases involving DNA evidence,
10 as long as the DNA is analyzed within two years of the crime; and

11 WHEREAS, Failure to test evidence collected from a sexual
12 assault forensic exam in a timely manner can be tragic, from
13 expired statutes of limitation that preclude prosecution even if a
14 suspect is later identified, to additional rape and murder victims
15 of serial rapists; and

16 WHEREAS, Local jurisdictions that have implemented
17 mandatory testing policies for evidence collected from a sexual
18 assault forensic exam have impressive results to show for their
19 efforts. New York City tested 17,000 backlogged rape kits in 2003
20 and implemented a policy to test every rape kit in law enforcement
21 custody, which led to 2,000 DNA matches, 200 cold case
22 prosecutions, and an increase in the arrest rate for the crime of
23 rape from 40 percent to 70 percent, compared to 24 percent
24 nationally. Detroit, Michigan began testing a backlog of over
25 11,000 untested rape kits, and has tested 1,404 kits resulting in
26 238 hits in the Combined DNA Index System (CODIS). These
27 CODIS matches have identified 46 potential serial rapists who are
28 tied to rapes reported in 12 other states and the District of
29 Columbia. In 2003, Fort Worth, Texas began processing their
30 backlog, which led to 200 DNA matches in CODIS, and to 47
31 arrests, 36 felony convictions, and the apprehension of five serial
32 rapists; and

33 WHEREAS, Federal studies demonstrate that crimes labs have
34 struggled over the past decade to meet the demand for DNA testing
35 for all types of crimes. Crime labs were able to process 10 percent
36 more cases in 2011 than in 2009, but they also received 16.4
37 percent more requests for DNA testing in that time. With demand
38 continuing to outpace capacity, the backlog in testing evidence
39 collected from sexual assault forensic exams may continue to grow;
40 and

1 WHEREAS, Processing evidence collected from a sexual assault
2 forensic exam is not enough, because when jurisdictions process
3 large volumes of evidence collected from a sexual assault forensic
4 exam, they also need the resources to follow up on the leads, which
5 requires trained detectives, victim advocates, and prosecutors
6 available and willing to work together to pursue the new cases;
7 and

8 WHEREAS, California is committed to enacting systematic
9 reforms to address, once and for all, the backlog of evidence
10 collected from a sexual assault forensic exam through the
11 combination of new screening techniques that have been proven
12 by the state crime laboratory, which is operated by the Department
13 of Justice, greater resources for law enforcement agencies, and a
14 cooperative effort to provide justice to all survivors of sexual
15 assault. Federal funding is crucial to help California put these new
16 initiatives in place to address this problem; now, therefore, be it

17 *Resolved by the Assembly and the Senate of the State of*
18 *California, jointly*, That the Legislature urges the United States
19 Congress to approve President Obama's proposal to provide \$35
20 million to the states in order for the states to process evidence from
21 sexual assault forensic exams; and be it further

22 *Resolved*, That the Chief Clerk of the Assembly transmit copies
23 of this resolution to the President and Vice President of the United
24 States, to the Speaker of the House of Representatives, to the
25 Majority Leader of the Senate, to each Senator and Representative
26 from California in the Congress of the United States, and to the
27 author for appropriate distribution.